

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LOUIS MILLER, M.D.

Holder of License No. 23201
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-04-1528

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Louis Miller, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,
5 upon signing this agreement, and returning this document (or a copy thereof) to the
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent
7 Agreement. Respondent may not make any modifications to the document. Any
8 modifications to this original document are ineffective and void unless mutually approved
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once
11 approved and signed, is a public record that may be publicly disseminated as a formal
12 action of the Board and will be reported to the National Practitioner Data Bank and to the
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force
16 and effect.

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19 
20 LOUIS MILLER, M.D.

DATED: 7/7/05

FINDINGS OF FACT

1
2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 23201 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-04-1528 after receiving a complaint
7 that Respondent failed to release medical records to patient L.B. following multiple
8 requests.

9 4. In September 2004 L.B. requested his records in person at Respondent's
10 office. Respondent's office staff informed L.B. he would have to return the following day to
11 pick up the records.

12 5. L.B. returned the following day and was provided three pages of laboratory
13 results. L.B. requested his entire medical record and was informed by Respondent's office
14 staff that they did not release personal records.

15 6. L.B. obtained the services of an attorney who wrote letters to Respondent on
16 behalf of L.B. on September 20, 2004 and October 21, 2004. L.B. received no response to
17 his request.

18 7. L.B.'s attorney wrote another letter on November 22, 2004 and sent it via
19 certified mail. The letter carrier left two notices on November 24, 2004 and December 7,
20 2004, but Respondent failed to pick up the letter.

21 8. Following notice of the Board's investigation Respondent forwarded L.B.'s
22 records to him. Respondent stated that it was an oversight by him and his staff for not
23 providing the records to L.B.

24 9. A physician is required to make patient medical records available to the
25 patient upon proper authorization to do so. A.R.S. §32-1401(27)(rr).

10. Respondent failed to make L.B.'s medical records available following multiple requests.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(rr) – ("[f]ailing to make patient medical records in the physician's possession promptly available to a physician assistant, a nurse practitioner, a person licensed pursuant to this chapter or a podiatrist, chiropractor, naturopathic physician, osteopathic physician or homeopathic physician licensed under chapter 7, 8, 14, 17 or 29 of this title on receipt of proper authorization to do so from the patient; a minor patient's parent, the patient's legal guardian or the patient's authorized representative or failing to comply with title 12, chapter 13, article 7.1;")

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(a) – (“[v]iolating any federal or state laws, rules or regulations applicable to the practice of medicine.”)

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 12-2293(A) – (“[o]n the written request of a patient for access to or copies of the patient’s medical records, the health care provider in possession of the record shall provide the medical records to the patient or the person designated in writing by the patient.”)

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to provide medical records in a timely manner after receiving an appropriate request.

2. This Order is the final disposition of case number MD-04-1528A.

DATED AND EFFECTIVE this 12 day of August, 2005.



[SEAL]

ARIZONA MEDICAL BOARD

By T.C. Miller

TIMOTHY C. MILLER, J.D.
Executive Director

ORIGINAL of the foregoing filed this
12th day of August, 2005 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 12th day of August, 2005 to:

Louis Miller, M.D.
Address of Record

L. Miller
Quality Assurance